

BPA Policy 461-1

Acquisition of Real Property

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1. Purpose & Background

The purpose of this document is to establish BPA’s policy for the acquisition of real property in support of its mission.

2. Policy Owner

The owner of this policy is the Senior Vice President for Transmission Services.

3. Applicability

The policy applies to all BPA activities related to the acquisition of real property that support BPA’s approved programs and operations.

4. Terms & Definitions

- A. **Acquisition:** the process of acquiring real property or some interest therein.
- B. **Eminent Domain:** a governmental authority to acquire private property for public use by condemnation and the payment of just compensation.
- C. **Land Owner:** the person or entity holding legal title to, or interest in, the real property.
- D. **Land Rights:** rights to the use, enjoyment, and alienation of property to the exclusion of others.
- E. **Real Property:** lands and anything permanently affixed to the land, such as buildings, fences and those things attached to the buildings.

5. Policy

- A. In fulfilling its mission, BPA acquires real property, as needed, for approved programs and operations. BPA’s authority for the acquisition of real property is established and governed by its organic and enabling statutes, listed in the Authorities & References Section of this Policy.
- B. As an entity of the Federal Government, BPA acquires real property by exercising its authority to do so consistent with *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, 42 U.S.C. ch. 61, and the corresponding Federal regulations contained in *Uniform Relocation Assistance and Real Property Acquisition for Federal & Federally-Assisted Programs*, 49 C.F.R. pt. 24.

BPA conducts its acquisition-related activities impartially. Landowners can expect to receive just compensation for real property purchased or real property rights acquired consistent with Federal rules, regulations, laws, and the public interest.

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The decision to pursue real property acquisitions is the responsibility of various groups within the Agency, depending upon their needs in support of their programs and operations, as described in the Responsibilities Section of this Policy.

- C. The Real Property Services organization performs activities in support of BPA’s programs and operations, including the following:
 1. **Surveying and Mapping:** provides complete land and aerial surveying to accurately describe and map the land rights and interests to be acquired or owned by BPA.
 2. **Valuation:** determines the value of the land rights BPA has or will acquire through the use of Federal appraisal methods and standards.
 3. **Realty:** manages the real property lifecycle including:
 - a) **Acquisition:** acquires land rights through negotiation in support of BPA’s programs or operations and makes recommendations to the Administrator on BPA’s use of eminent domain;
 - b) **Land Management:** engages in post-acquisition land management activities, including evaluating land use requests for compatibility with authorized land uses and managing encroachments on BPA’s rights; and
 - c) **Disposal:** disposes of real property no longer required by BPA’s approved programs and operations.
 4. **Land Records and Title:** obtains and reviews title information to accurately determine the ownership of real property while maintaining records of BPA’s ownership interests in BPA’s Land Information System (LIS).
 5. **Geographic Information:** manages BPA’s geographic information system (GIS) to capture, store, check and display realty, transmission, environmental and other spatial data; and
 6. **Facilities:** acquires office or other leased space in support of BPA’s approved programs and operations.

6. Policy Exceptions

There are no exceptions to this policy unless approved by the Senior Vice President for Transmission Services with concurrence from the BPA Administrator.

7. Responsibilities

- A. **BPA’s Vice President, Transmission Engineering and Technical Services:** has overall responsibility for determining real property-related needs related to constructing the transmission system, including budgeting, scheduling, and requesting the acquisition of real property.

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- B. **BPA’s Vice President, Transmission Field Services:** has overall responsibility for determining real property-related needs related to maintaining BPA’s transmission system, including budgeting, scheduling, and requesting the acquisition of real property.
- C. **BPA’s Vice President, Environment, Fish and Wildlife:** has overall responsibility for budgeting, scheduling, and requesting acquisition of real property for the Fish and Wildlife Program and for environmental studies associated with all BPA real property-related activities.
- D. **BPA’s Director of Real Property Services:** has been delegated by the BPA Administrator the responsibility for acquiring, managing and disposing of real property for BPA, and provides recommendations to the BPA Administrator regarding actions associated with these responsibilities, including BPA’s use of eminent domain.
- E. **All BPA Managers who plan BPA’s approved programs and operations:** have responsibility for adhering to this policy.

8. Standards & Procedures

There are no Agency-level standards or procedures for this policy. All governance supporting this policy resides in the Real Property Services organization.

9. Performance & Monitoring

Monitoring of operations related to this policy is associated with transactions involving Real Property through BPA’s A-123 Program.

10. Authorities & References

- A. **Bonneville Project Act of 1937, as amended, 16 U.S.C. ch. 12B.:** authorizes the Administrator to acquire real property.
- B. **Federal Columbia River Transmission System Act, as amended, 16 U.S.C. ch. 12G.**
- C. **Department of Energy Organization Act, as amended, 42 U.S.C. ch. 84.**
- D. **Pacific Northwest Electric Power Planning and Conservation Act, as amended, 16 U.S.C. ch. 12H.**
- E. **BPA Internal Policy 140-1, Delegations of Authority to Bind the Bonneville Power Administration:** establishes the policy with which the Administrator may delegate authority for real property acquisition to Real Property Services personnel.
- F. **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. ch. 61:** establishes the requirements for BPA's acquisition function.

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- G. **Uniform Relocation Assistance and Real Property Acquisition for Federal & Federally-Assisted Programs, 49 C.F.R. pt. 24:** establishes procedures for BPA's acquisition function.
- H. **Uniform Appraisal Standards for Federal Land Acquisitions, 2016:** establishes standards for BPA appraisals.
- I. **Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016):** a guide for the preparation of title evidence in land acquisitions by the United States of America. Establishes BPA title preparation and title clearance standards.
- J. **Delegation of Authority from the BPA Administrator to BPA's Director of Real Property Services,** as established in BPA's Contract Management System.

11. Review

This policy will be reviewed for relevance and accuracy every three years, at a minimum, by the Senior Vice President, Transmission Engineering and Technical Services and the Director of Real Property Services.

12. Revision History

| Version Number | Issue Date | Brief Description of Change or Review |
|----------------|------------|---------------------------------------|
| 1.0 | 2/3/2017 | Initial publication |
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